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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/628,038

07/28/2003

Akito Yamamoto

771,061

4059

7590

05/25/2004

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EXAMINER

LE, UYEN CHAU N

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 05/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/628,038

Applicant(s)

YAMAMOTO ET AL.

Examiner

Uyen-Chau N. Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 15-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Prelim. Amdt/Amendment***

1. Receipt is acknowledged of the Preliminary Amendment filed 28 July 2003.

***Priority***

2. Acknowledgment is made of applicant's claim for foreign priority based on applications filed in Japan on 08 May 2003 and 22 May 2003. It is noted, however, that applicant has not filed a certified copy of the JP 2003-130073 and JP 2003-144546 applications as required by 35 U.S.C. 119(b).

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the

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reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-24 and 28-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Kozasa (JP 2002-180745).

Re claims 1-24 and 28-31: Kozasa discloses a means for protecting an automatic money handling machine 4 comprising an upper surface of the automatic money handling machine being formed flat (figs. 1 & 5); a base plate, and a housing space for housing the automatic money handling machine being formed under the base plate (figs. 1 & 5), the base plate having an opening through which the automatic money is passed, the opening continuing to the housing space, the automatic money handling machine being usually held over the opening by a supporting means 3 so as to protrude above the base plate; a supporting means with a cancelable supporting function, the automatic money handling machine dropping downwardly into the housing space so as not to protrude above the base plate when the supporting function of the supporting means is canceled (see figs. 1 & 5; English Detail Description: paragraphs [0007]-[0009]); wherein the automatic money handling machine is surrounded by a protection wall/building 9 fixed on the base plate; a vertically moving means (e.g., gearmotor 7) for vertically moving the automatic money handling machine between a position in which the automatic money handling machine is held over the opening so as to protrude above the base plate and another position in which the automatic money handling machine is housed within the housing space so as not to protrude above the base plate (figs. 1 & 5; paragraph [0009]); a protection plate (e.g., door 2) being disposed near the opening, the protection plate being adapted to cover the opening after the computer moves downwardly into the housing space (figs. 1 & 5); a

protection container (e.g., underground housing space) disposed near the automatic money handling machine; the automatic money handling machine being movable into the protection container (fig. 1); wherein the automatic money handling machine is installed on the base plate (figs. 5 & 6).

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 25-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Kimura et al (US 5,593,149).

Re claims 25-26: Kimura et al discloses a means for protecting an automatic money handling machine 1, comprising: a money container 20 of the automatic money handling machine 1; and a money conveying means [13, 14] connecting the money container 20 with the automatic money handling machine 1; wherein the money container 20 is disposed in a place away from the automatic money handling machine 1 (fig. 1; col. 3, line 49 through col. 4, line 21).

### *Claim Rejections - 35 USC § 103*

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura et al in view of Kozasa. The teachings of Kozasa and Kimura et al have been discussed above.

Re claim 27, Kimura et al teaches a money container 20 is disposed outside of the automatic money handling machine 1 (fig. 2), but fails to teach or fairly suggest that the money container is disposed in the ground.

Kozasa teaches a whole automatic money handling machine 4 can be moved to underground position (fig. 1).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the teachings of Kozasa into the teachings of Kimura et al in order to provide Kimura et al with an enhanced secure system wherein the money container is secured underground, thus preventing the contained money from being accessed and/or the whole container from fraudulently taken by an unauthorized personnel.

**Conclusion**

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The patents to Hain et al (US 4,649,832); Dallman et al (US 5,299,511); Capraro (US 5,222,445); Fitts Sr. et al (US 6,422,158); Sato et al (US 5,780,825); Tschappat Jr. (US 4,557,352); Dallman et al (US 5,611,288); Dallman et al (US 5,794,547); Dallman et al (US 5,440,999); Minamishin et al (US 6,315,279); Yoshida et al (US 5,167,300); Berman (US 4,577,562); Senterfeit Sr. (US 5,836,256); Capraro Jr. (US 5,615,623); Couvrette et al (US 5,711,231); Sugiura (JP 10/046,844); Yoshida (JP 02/259,895); Kawamata (JP 05/197,862) are of interest and illustrate to a similar structure of a means for protecting an automatic money handling machine or a computer.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uyen-Chau N. Le whose telephone number is 571-272-2397. The examiner can normally be reached on Mon-Fri. 5:30AM-2:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MICHAEL G LEE can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*qu*  
*Uyen-Chau N. Le*  
May 12, 2004

  
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SUPERVISORY PATENT EXAMINER  
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